

03-28-00

H/BOX SE0
PATENT

Attorney Docket No. GTSYS.003A

Date: March 23, 2000

Page 1



ASSISTANT COMMISSIONER FOR PATENTS

WASHINGTON, D.C. 20231

ATTENTION: BOX PATENT APPLICATION

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s): Xiaowu Liang and Philip L. Felgner

For: METHOD FOR GENERATING TRANSCRIPTIONALLY ACTIVE DNA FRAGMENTS

Enclosed are:

- (X) Four (4) sheet(s) of drawing.
- (X) Return prepaid postcard.
- (X) Sequence Submission Statement in 1 page.
- (X) Sequence Listing in 3 pages.
- (X) Copy of sequence listing on computer readable diskette.



CLAIMS AS FILED

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee			\$345	\$345
Total Claims	8 - 20 =	0 ×	\$9	\$0
Independent Claims	1 - 3 =	0 ×	\$39	\$0
If application contains any multiple dependent claims(s), then add			\$130	\$0
TOTAL FILING FEE		\$345		

- (X) A check in the amount of \$345 to cover the filing fee is enclosed.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 11-1410. A duplicate copy of this sheet is enclosed.
- (X) Please use Customer No. 20,995 for the correspondence address.

 A handwritten signature of Neil S. Bartfeld.

Neil S. Bartfeld, Ph.D.

Registration No. 39,901

Agent of Record

S:\DOCS\NSB\NSB-4179.DOC\032200

KNOBBE, MARTENS, OLSON & BEARA LIMITED LIABILITY PARTNERSHIP INCLUDING
PROFESSIONAL CORPORATIONS**PATENT, TRADEMARK AND COPYRIGHT CAUSES**

501 WEST BROADWAY

SUITE 1400

SAN DIEGO, CALIFORNIA 92101-3505

(619) 235-8550

FAX (619) 235-0176

INTERNET WWW.KNOB.COM

LOUIS J. KNOBBE*
DON W. MARTENS*
GORDON H. OLSON*
JAMES B. BEAR
DARRELL L. OLSON*
WILLIAM B. BUNKER
WILLIAM H. NIEMAN
ARTHUR S. ROSE
JAMES F. LESNIAK
NED A. ISRAELSEN
DREW S. HAMILTON
JERRY T. SEWELL
JOHN B. SGANGA, JR
EDWARD A. SCHLATTER
GERARD VON HOFFMANN
JOSEPH R. RE
CATHERINE J. HOLLAND
JOHN M. CARSON
KAREN VOGEL WEIL
ANDREW H. SIMPSON
JEFFREY L. VAN HOOSEAR
DANIEL E. ALTMAN
MARGUERITE L. GUNN
STEPHEN C. JENSEN
VITO A. CANUSO III
WILLIAM H. SHREVE
LYNDA J. ZADRA-SYMES†
STEVEN J. NATAUPSKY
PAUL A. STEWART
JOSEPH F. JENNINGS
CRAIG S. SUMMERS
ANNEMARIE KAISER
BRENTON R. BABCOCK

THOMAS F. SMEGAL, JR
MICHAEL H. TRENHOLM
DIANE M. REED
JONATHAN A. BARNEY
RONALD J. SCHOENBAUM
JOHN R. KING
FREDERICK S. BERRETTA
NANCY WAYS VENSKE
JOHN P. GIEZENTANNER
ADEEL S. AKHTAR
GINGER R. DREGER
THOMAS R. ARNO
DAVID N. WEISS
DANIEL HART, PH.D.
DOUGLAS G. MUEHLHAUSER
LORI LEE YAMATO
MICHAEL K. FRIEDLAND
STEPHEN M. LOBBIN
STACEY R. HALPERN
DALE C. HUNT, PH.D.
LEE W. HENDERSON, PH.D.
DEBORAH S. SHEPHERD
RICHARD E. CAMPBELL
MARK M. ABUMERI
JON W. GURKA
ERIC M. NELSON
ALEXANDER C. CHEN
MARK R. BENEDICT, PH.D.
PAUL N. CONOVER
ROBERT J. ROBY
SABING H. LEE
KAROLINE A. DELANEY
JOHN W. HOLCOMB

JAMES J. MULLEN, III, PH.D.
JOSEPH S. CIANFRANI
JOSEPH M. REISMAN, PH.D.
WILLIAM R. ZIMMERMAN
GLEN L. NUTTALL
ERIC S. FURMAN, PH.D.
DO TE KIM
TIRZAH ABE LOWE
GEOFFREY Y. IIDA
ALEXANDER S. FRANCO
SANJIVPAL S. GILL
SUSAN M. MOSS
JAMES W. HILL, M.D.
ROSE M. THIESSEN, PH.D.
MICHAEL L. FULLER
MICHAEL A. GUILIANA
MARK J. KERTZ
RABINDER N. NARULA
BRUCE S. ITCHKAWITZ, PH.D.
PETER M. MIDDLEY
THOMAS S. MCCLENAHAN
MICHAEL S. OKAMOTO
JOHN M. GROVER
MALLARY K. DE MERLIER
IRFAN A. LATEEF
AMY C. CHRISTENSEN
SHARON S. NG
MARK J. GALLAGHER, PH.D.
DAVID G. JANKOWSKI, PH.D.
BRIAN C. HORNE
PAYSON J. LEMEILLEUR

OF COUNSEL
JERRY R. SEILER

JAPANESE PATENT ATTY
KATSUHIRO ARAI**

EUROPEAN PATENT ATTY
MARTIN HELLEBRANDT

KOREAN PATENT ATTY
MINCHEOL KIM

SCIENTISTS & ENGINEERS
(NON-LAWYERS)

RAIMOND J. SALENIEKS**
NEIL S. BARTFELD, PH.D. **
DANIEL E. JOHNSON, PH.D. **
JEFFERY KOEPKE, PH.D.
KHURRAM RAHMAN, PH.D.
JENNIFER A. HAYNES, PH.D.
BRENDAN P. O'NEILL, PH.D.
THOMAS Y. NAGATA
ALAN C. GORDON
LINDA H. LIU
YASHWANT VAISHNAV, PH.D.
MEGUMI TANAKA
CHE S. CHERESKIN, PH.D.
ERIK W. ARCHBOLD

* A PROFESSIONAL CORPORATION
† ALSO BARRISTER AT LAW (U.K.)
** U.S. PATENT AGENT

Assistant Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Attorney Docket No. : GTSYS.003A

Applicant(s) : Liang et al.

For : METHOD FOR GENERATING
TRANSCRIPTIONALLY ACTIVE DNA
FRAGMENTS

Attorney : Neil S. Bartfeld, Ph.D.

"Express Mail"

Mailing Label No. : EL 501 131 108 US

Date of Deposit : March 23, 2000

I hereby certify that the accompanying

Transmittal in Duplicate; Specification in 11 pages; 4 sheets of drawings; Sequence
Submission in 1 page; Sequence Listing in 3 pages; Copy of sequence listing on
computer readable diskette; Check(s) for Filing Fee(s); Return Prepaid Postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee"
service under 37 CFR 1.10 on the date indicated above and are addressed to the Assistant Commissioner
for Patents, Washington, D.C. 20231.


John Riedel

S:\DOCS\NSB\NSB-4181.DOC
032200

201 CALIFORNIA STREET
SUITE 1150
SAN FRANCISCO, CALIFORNIA 94111
(415) 954-4114
FAX (415) 954-4111

520 NEWPORT CENTER DRIVE
SIXTEENTH FLOOR
NEWPORT BEACH, CALIFORNIA 92660
(949) 760-0404
FAX (949) 760-9502

3801 UNIVERSITY AVENUE
SUITE 710
RIVERSIDE, CALIFORNIA 92501
(909) 781-9231
FAX (909) 781-4507

1875 CENTURY PARK EAST
SUITE 600
LOS ANGELES, CALIFORNIA 90067
(310) 407-5484
FAX (310) 407-5485

METHOD FOR GENERATING TRANSCRIPTIONALLY ACTIVE DNA FRAGMENTS

5

Related Applications

This application claims priority under 35 U.S.C. §119(e) to U.S. Provisional Application Serial No. 60/125,953, filed March 24, 1999.

Background of the Invention

10

Field of the Invention

The present invention relates to a method for generating transcriptionally active DNA fragments. More specifically, the method relates to synthesis of a DNA fragment by polymerase chain reaction (PCR) using nested primers, promoter sequences and terminator sequences.

15

Description of the Related Art

20

In addition to the tremendous progress made in the past few years in sequencing the human genome, efforts have also been made to sequence other organisms that are of biomedical importance. For example, complete genomic sequences have been obtained for *Borrelia burgdorferi* (cause of Lyme disease), Chlamydia, *Helicobacter pylori* and *Mycobacterium tuberculosis*. The fast-growing sequence information provides immense opportunities to reveal the basic biology of related organisms at the gene/molecular level and to develop novel therapeutics or vaccines against various pathogens.

25

However, this vast sequence information also mandates a much more efficient and streamlined way to screen and identify genes of interest from tens of thousands of candidate genes. The conventional approach to gene screening and identification involves generation of a cDNA library, subcloning the DNA inserts into plasmid vectors (expression vectors), purifying plasmid DNA from bacteria for each individual cDNA clone and transfecting animal cells or tissues for functional analysis of the encoded gene product. This method, even in conjunction with the use of polymerase chain reaction

30

(PCR) to generate cDNA fragments to allow directional and in-frame cloning, is still time consuming, costly and difficult to automate.

The present invention provides a simple, rapid method for the generation of transcriptionally active DNA fragments.

5

Summary of the Invention

One embodiment of the present invention is a method for generating a transcriptionally active DNA molecule, comprising polymerase chain reaction (PCR) amplification of said DNA molecule in the presence of a first DNA fragment (F1), second DNA fragment (F2), first primer (P1), a second primer (P2), a third primer (P3) and a fourth primer (P4) wherein: F1 comprises a promoter sequence; F2 comprises a terminator sequence; P1 is complementary to the 5' end of F1; P2 is complementary to the 3' end of F2; P3 comprises a first region complementary to the 3' end of F1 and a second region complementary to the 5' end of said DNA molecule; P4 comprises a first region complementary to the 5' end of F2 and a second region complementary to the 3' end of said DNA molecule, whereby a transcriptionally active DNA molecule is produced by said PCR amplification. Preferably, F1 is the cytomegalovirus IE promoter. In one aspect of this preferred embodiment, the transcriptionally active DNA molecule encodes a therapeutic gene. The method may further comprise the step of adding a PNA tail to the 5'-end of P1 and P2 prior to the PCR amplification. Preferably, a thymidine base immediately precedes the region of complementarity between the third primer P3 and the first DNA fragment F1. In another aspect of this preferred embodiment, a thymidine base immediately precedes the region of complementarity between the fourth primer P3 and the second DNA fragment F2. The method may also further comprise the step of adding a PNA clamp to said transcriptionally active DNA molecule after said PCR amplification. Preferably, the method further comprises the step of adding a PNA molecule via a linker (PNA clamp tail) to primers P1 and P2 prior to the PCR amplification.

20

25

Brief Description of the Drawings

Figure 1 is a schematic diagram of the gene amplification method of the present invention. Oligonucleotide primers P1 and P2 are complementary to the 5' end of a promoter sequence (F1) and the 3' end of a terminator sequence (F2), respectively. P3

30

and P4 are oligonucleotide primers which contain regions complementary to opposite ends of Gene X. In addition, P3 and P4 contain regions which are complementary to the 3' region of F1 and the 5' region of F2. An excess amount of primers P1 and P2 are combined with Gene X, or with a mixture of DNA containing Gene X, and with F1, F2, P3 and P4, or with a mixture of DNA containing F1, F2 and Gene X which has been PCR amplified using P3 and P4, and subjected to PCR to produce a transcriptionally active linear DNA fragment containing F1, F2 and gene X.

Figure 2 is a schematic diagram showing DNA fragment F1 which contains a thymidine base immediately preceding the region of complementarity with the PCR intermediate (primer P3).

Figure 3 is a schematic diagram showing the use of peptide nucleic acid (PNA) sequences and PNA clamps to protect the ends of linear expression DNA fragments. Primers P1 and P2 contain a PNA tail which is resistant to proteolytic and exonuclease degradation. The resulting linear expression DNA fragment contains a PNA tail at each of the 5'-ends. The 3' ends are protected by addition of a PNA "clamp" which is also resistant to proteolytic and exonuclease degradation.

Figure 4 is a schematic diagram showing the use of a PNA "clamp" tail to protect the 5' ends of the linear expression DNA fragment, followed by formation of a clamp during PCR to protect the 3' ends.

Detailed Description of the Preferred Embodiments

The present invention provides a simple, efficient method for generating transcriptionally active DNA fragments which can be readily transfected into animal cells or tissues by conventional nucleic acid transfection techniques, without the need for subcloning into expression vectors and purification of plasmid DNA from bacteria. The transcriptionally active DNA fragments are synthesized by polymerase chain reaction (PCR) amplification of any gene of interest using nested oligonucleotide primers and two DNA fragments, one of which comprises an active transcription promoter sequence and one of which comprises a basic transcription terminator element.

A first primer is complementary to the DNA fragment comprising the promoter; a second primer is complementary to the DNA fragment comprising the terminator; a

third primer is complementary to both the promoter sequence and one end of the gene of interest; and a fourth primer is complementary to both the terminator sequence and the other end of the gene of interest. These promoters, genes and terminators are linked in an expression cassette as shown in Figure 1. In addition, the ends of linear DNA containing the expression cassette can be protected from exonuclease digestion during and after transfection by incorporating peptide nucleic acid (PNA) sequences and PNA clamps as shown in Figures 3 and 4.

As used herein, the term “promoter” is a DNA sequence which extends upstream from the transcription initiation site and is involved in binding of RNA polymerase. The promoter may contain several short (<10 base pair) sequence elements that bind transcription factors, generally dispersed over >200 base pairs. A promoter that contains only elements recognized by general and upstream factors is usually transcribed in any cell type. Such promoters may be responsible for expression of cellular genes that are constitutively expressed (sometimes called housekeeping genes). There are also tissue-specific promoters limited to particular cell types, such as the human metallothionein (MT) promoter which is upregulated by heavy metal ions and glucocorticoids.

As used herein, the term “terminator” is a DNA sequence represented at the end of the transcript that causes RNA polymerase to terminate transcription. This occurs at a discrete site downstream of the mature 3’ end which is generated by cleavage and polyadenylation.

The present method can be used to quickly generate nuclease-resistant and transcriptionally active linear DNA molecules which express any desired gene with any known sequence. The linear DNA can then be delivered into animal cells or tissues for functional analysis, vaccination and other pharmaceutical applications. This method also avoids problems associated with bacterial growth such as toxicity and stability. This method can also be completely automated for use in high-throughput screening methods.

Referring now to Figure 1, oligonucleotide primers P1 and P2 are complementary to the 5’ region of DNA fragments F1 and F2, respectively. Fragment F1 comprises a transcription promoter (darkened region) and fragment F2 comprises a

transcription terminator (darkened region). Primers P3 and P4 are complementary to the 3' ends of F1 and F2, respectively, and to different ends of the DNA fragment containing Gene X. Figure 1 shows the putative intermediates and the final product which are formed in the present PCR-based method when P1, P2, P3, P4, F1 and F2 are added to a DNA template comprising Gene X. It should be noted that amount of primers P1 and P2 present in the reaction mixture are preferably at least about 100 fold greater than the amounts of P3, P4, F1 and F2, to minimized the amounts of intermediate products generated during the reaction. To generate the first intermediate, primer P3 and P4 are used which amplify from the promoter and terminator sequences of F1 and F2 across Gene X, resulting in an intermediate having the promoter and terminator sequences on the ends and Gene X in between these sequences.

The second intermediate is formed by hybridization of the first intermediate with fragments F1 and F2 via their complementary promoter and terminator sequences (darkened regions), followed by PCR amplification from primers P3 and P4, resulting in a DNA segment comprising the entire F1, F2 and Gene X.

In the last step of the reaction, PCR amplification of the second intermediate using primers P1 and P2 results in amplified amounts of the complete transcriptionally active DNA fragment.

The method of the invention may be performed by adding all of the components in a single reaction mixture. Alternatively, two separate PCR reactions can be performed. In the first reaction, the template gene, P3 and P4 are used first. The product of this reaction is then used as a template for a second PCR reaction involving fragments F1 and F2, plus primers P1 and P2.

The generation of final products using the nested PCR method describe above is dependent on the sequences of the F1 or F2 fragments at the junction between the region overlapping P3 and P4, respectively. This is due, at least in part, to the addition of an extra adenosine base (A) at the 3' end of the PCR fragment by Taq DNA polymerase which is commonly used in PCR protocols. This could produce a mismatch between the PCR intermediate generated by P3/P4 and fragments F1 and F2.

Thus, in a preferred embodiment, the overlap between the PCR intermediate (P3 primer) and F1, and P4/F2, is designed such that a thymidine base (T) immediately

precedes the overlap region in fragments F1 and F2 (Fig. 2, only F1 shown). In this case, even with the addition of an "A" base to the 3' end to the intermediate during PCR amplification, the overlap between F1/F2 and the respective PCR intermediates is still perfectly maintained.

5 Peptide nucleic acids (PNA) are nucleic acid analogs in which the entire deoxyribose-phosphate backbone has been exchanged with a chemically completely different, but structurally homologous, polyamide (peptide) backbone containing 2-aminoethyl glycine units. Unlike DNA, which is highly negatively charged, the PNA backbone is neutral. Therefore, there is much less repulsive energy between
10 complementary strands in a PNA-DNA hybrid than the comparable DNA-DNA hybrid, and consequently they are much more stable.

 In addition, molecules called PNA "clamps" have been synthesized which have two identical PNA sequences joined by a flexible hairpin linker containing three 8-amino-3,6-dioxaoctanoic acid units. When a PNA clamp is mixed with a
15 complementary homopurine or homopyrimidine DNA target sequence, a PNA-DNA-PNA triplex hybrid can form which is extremely stable (Bentin et al., *Biochemistry* 35:8863-8869, 1996; Egholm et al., *Nucleic Acids Res.* 23:217-222, 1995; Griffith et al., *J. Am. Chem. Soc.* 117:831-832, 1995). The sequence-specific and high affinity duplex and triplex binding of PNA have been extensively described (Nielsen et al., *Science*
20 254:1497-1500, 1991; Egholm et al., *J. Am. Chem. Soc.* 114:9677-9678, 1992; Egholm et al., *Nature* 365:566-568, 1993; Almarsson et al., *Proc. Natl. Acad. Sci. U. S. A.* 90:9542-9546, 1993; Demidov et al., *Proc. Natl. Acad. Sci. U. S. A.* 92:2637-2641, 1995). They have also been shown to be resistant to nuclease and protease digestion (Demidov et al., *Biochem. Pharm.* 48:1010-1013, 1994).

25 A representative PNA clamp is shown in Figs. 3 and 4. This PNA clamp, or a PNA clamp having any desired DNA sequence, is synthesized as described by Egholm et al. (*supra.*) or is available from PerSeptive Biosystems (Framingham, MA). The representative PNA clamp shown in Figs. 2 and 3 has the sequence 5'-TCTCTCTC-O-O-O-TJTJTJTJ (SEQ ID NO: 1), where J (pseudoisocytosine) is an analog of C, and the
30 "O" residues are 8-amino-3,6-dioxaoctanoic acid linkers which separate the two regions of the PNA.

The use of PNA tails, PNA clamps and PNA "clamp tails" to protect the ends of the transcriptionally active PCR fragments which are described above is illustrated in Figure 2. The ends of the PCR fragments generated as shown in Figure 1 are prone to digestion by exonucleases after transfection into a cell or tissue. Two strategies for inhibiting this degradation are shown in Figures 3 and 4. In Figure 1, a PNA tail and a short DNA sequence (5'-GATC-O-TCTCTCTC-3'; SEQ ID NO: 2) is added to the 5' end of primers P1 and P2 which bind to the target sequence 5'-GAGAGAGA-3' (SEQ ID NO: 3). This generates a PNA binding site at the 3' end of the opposite strand during PCR. Primers containing PNA tails can be synthesized using methods well known in the art or are available from PerSeptive Biosystems. These PNA tails do not hybridize to a target sequence, but protect the 5'-ends from exonuclease digestion. In order to protect the 5' ends of the PCR fragment, a PNA molecule is added to the 3'-PNA tail-protected PCR fragment. This PNA contains a DNA sequence which is complementary to the 3'-end of the PCR fragment and binds thereto as shown in Fig. 3.

An alternate PNA protection approach is shown in Fig. 4. In this method, a PNA clamp is linked to primers P1 and P2 via one or more 8-amino-3,6-dioxaoctanoic acid linkers to form a PNA "clamp" tail by well known methods. After PCR amplification, the "clamp tail" binds to the 3' ends of the PCR fragment, and is linked to the 5' ends via the one or more 8-amino-3,6-dioxaoctanoic acid linkers to protect both the 3' and 5' ends of the PCR fragment.

Although the use of the CMV IE promoter and an artificial mammalian transcriptional terminator elements are exemplified herein, the use of any eukaryotic promoter and terminator is within the scope of the present invention. Suitable promoters for use in the present invention include, for example, SV40, rous sarcoma virus (RSV), retroviral long terminal repeats (LTR), muscle creatine kinase promoter, actin promoter, elongation factor promoter, synthetic promoters, tissue-specific promoters, and the like. Suitable terminator sequences include SV40 transcription terminator, bovine growth hormone (BGH) terminator, synthetic terminators, and the like. These promoter and terminator sequences can be obtained by restriction enzyme digestion of commercially available plasmids and cDNA molecules, or can be synthesized using an automated DNA synthesizer using methods well known in the art.

Any desired gene may be amplified and coupled to active promoter and terminator sequences using the method of the present invention. In a preferred embodiment, the gene encodes a gene product which is absent or present at reduced levels in an organism. Nonlimiting examples of these gene products are the cystic fibrosis transmembrane regulator (CFTR), insulin, dystrophin, interleukin-2, interleukin-12, erythropoietin, gamma interferon, and granulocyte macrophage colony stimulating factor (GM-CSF).

Although any transfection method well known in the art may be used to transfect the transcriptionally active PCR fragments of the invention into cells or tissues including calcium phosphate precipitation, electroporation and DEAE-dextran, cationic lipid-mediated transfection is preferred. Gene delivery systems are described by Felgner et al. (*Hum. Gene Ther.* 8:511-512, 1997) and include cationic lipid-based delivery systems (lipoplex), polycation-based delivery systems (polyplex) and a combination thereof (lipopolyplex). Cationic lipids are described in U. S. Patent Nos. 4,897,355 and 5,459,127, the entire contents of which are hereby incorporated by reference.

Example 1

Production of transcriptionally active PCR fragments

The following components are combined in a 100 μ l reaction volume: DNA fragment F1 (4 ng) which comprises a region of high transcriptional potency (-240 to +60) from the human cytomegalovirus (CMV) immediate early gene (IE) promoter/enhancer, DNA fragment F2 (4 ng), a 55 base pair oligonucleotide encoding an artificial mammalian transcription terminator element (5'-CACAAAAACCAACACACAGATCTCTAGAGCTCTGATCTTTTATTAGCCAG AAGT-3'; SEQ ID NO: 4), 400 ng primer P1 (5'-TCTCTCTACGTATTAGTCATCG-3'; SEQ ID NO: 5), 400 ng primer P2 (5'-TCACAAAAACCAACACACAG-3'; SEQ ID NO: 6), 4 ng primer P3 and 4 ng primer P4. The P1 and P2 primer sequences correspond to the 5' end of fragment F1 and the 5' end of fragment F2, respectively (Fig. 1). Primers P3 and P4 are designed based on the gene sequence of interest. The 3' portion of these primers (about 10-20 base pairs) is determined by the actual sequence of the gene to be amplified, whereas the 5' region of P3 comprises the following sequence:

5'-CTCCGCGGATCCAGA-3' (SEQ ID NO: 7) to overlap with the 3' region of F1, and P4 comprises the sequence 5'-TTATTAGCCAGAAGT-3' (SEQ ID NO: 8) to overlap with the 3' region of F2.

5 PCR is performed as follows: denaturation for 30 seconds at 94°C, annealing for 45 seconds at 55°C and extension for three minutes at 72°C for 25-30 cycles. The size of the final produce is verified by 1% agarose gel electrophoresis. The amplified PCR fragment is cleaned and purified using a commercial PCR cleaning kit (e.g., Qiagen), and can be used for *in vitro* or *in vivo* transfection of cells or tissues.

Example 2

10 The green fluorescent protein (GFP, 700 bp) was used as a target gene. The F1 fragment was a 600 bp fragment of the CMV immediate early gene promoter (from -550 to +50). A 50 bp oligonucleotide containing a modified rabbit beta-globin gene transcription terminator was used as primer 2. Two different versions of these primers were designed so that the overlap between F1 and the intermediate GFP PCR fragment was either preceded with or without a thymidine base. After the PCR reaction was carried out according to the conditions described in Example 1, the products were analyzed by electrophoresis. When a thymidine base preceded the overlap region in F1, a clean major PCR fragment of about 1.4 kb was produced, representing the GFP coding region flanked by CMV promoter (F1) and the transcription terminator, whereas if a base other than thymidine preceded the overlapping region, no product was generated. The fragment generated by nested PCR was then transfected into Cos-7 cells and the expression of GFP was monitored by fluorescence microscopy. The results showed that the intensity and frequency of GFP-expressing cells was almost the same between cells transfected with the PCR fragment and a supercoiled plasmid DNA in which the same CMV promoter was driving expression of the GFP gene. Thus, the present method produces DNA fragments which are transcriptionally active.

25 While particular embodiments of the invention have been described in detail, it will be apparent to those skilled in the art that these embodiments are exemplary rather than limiting, and the true scope of the invention is that defined in the following claims.

WHAT IS CLAIMED IS:

1. A method for generating a transcriptionally active DNA molecule, comprising polymerase chain reaction (PCR) amplification of said DNA molecule in the presence of a first DNA fragment (F1), second DNA fragment (F2), first primer (P1), a second primer (P2), a third primer (P3), and a fourth primer (P4) wherein:

F1 comprises a promoter sequence;

F2 comprises a terminator sequence;

P1 is complementary to the 5' end of F1;

P2 is complementary to the 5' end of F2;

P3 comprises a first region complementary to the 3' end of F1 and a second region complementary to the 5' end of said DNA molecule;

P4 comprises a first region complementary to the 3' end of F2 and a second region complementary to the 3' end of said DNA molecule, whereby a transcriptionally active DNA molecule is produced by said PCR amplification.

2. The method of Claim 1, wherein F1 is the cytomegalovirus IE promoter.

3. The method of Claim 1, wherein said transcriptionally active DNA molecule encodes a therapeutic gene.

4. The method of Claim 1, further comprising the step of adding a PNA tail to the 5'-end of P1 and P2 prior to said PCR amplification.

5. The method of Claim 1, further comprising the step of adding a PNA clamp to said transcriptionally active DNA molecule after said PCR amplification.

6. The method of Claim 1, further comprising the step of adding a PNA molecule via a linker (PNA clamp tail) to primers P1 and P2 prior to said PCR amplification.

7. The method of Claim 1, wherein a thymidine base immediately precedes said region of complementarity between said third primer P3 and said first DNA fragment F1.

8. The method of Claim 1, wherein a thymidine base immediately precedes said region of complementarity between said fourth primer P4 and said second DNA fragment F2.

METHOD FOR GENERATING TRANSCRIPTIONALLY ACTIVE DNA FRAGMENTS

Abstract of the Disclosure

5 A method for producing transcriptionally active DNA molecules, comprising
(PCR) amplification of said DNA molecule in the presence of a first DNA fragment
(F1), second DNA fragment (F2), first primer (P1), a second primer (P2), a third primer
(P3), and a fourth primer (P4) wherein: F1 comprises a promoter sequence; F2
comprises a terminator sequence; P1 is complementary to the 5' end of F1; P2 is
complementary to the 5' end of F2; P3 comprises a first region complementary to the 3'
10 end of F1 and a second region complementary to the 5' end of said DNA molecule; P4
comprises a first region complementary to the 3' end of F2 and a second region
complementary to the 3' end of said DNA molecule.

15

S:\DOCS\NSB\NSB-4144.DOC
032200

Fig. 1

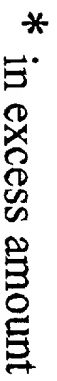
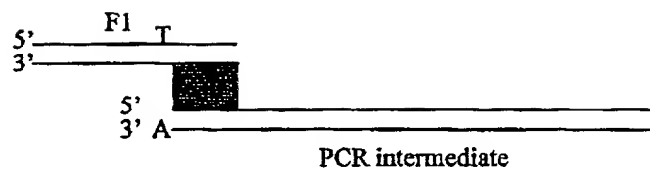
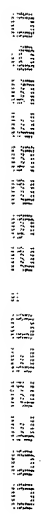
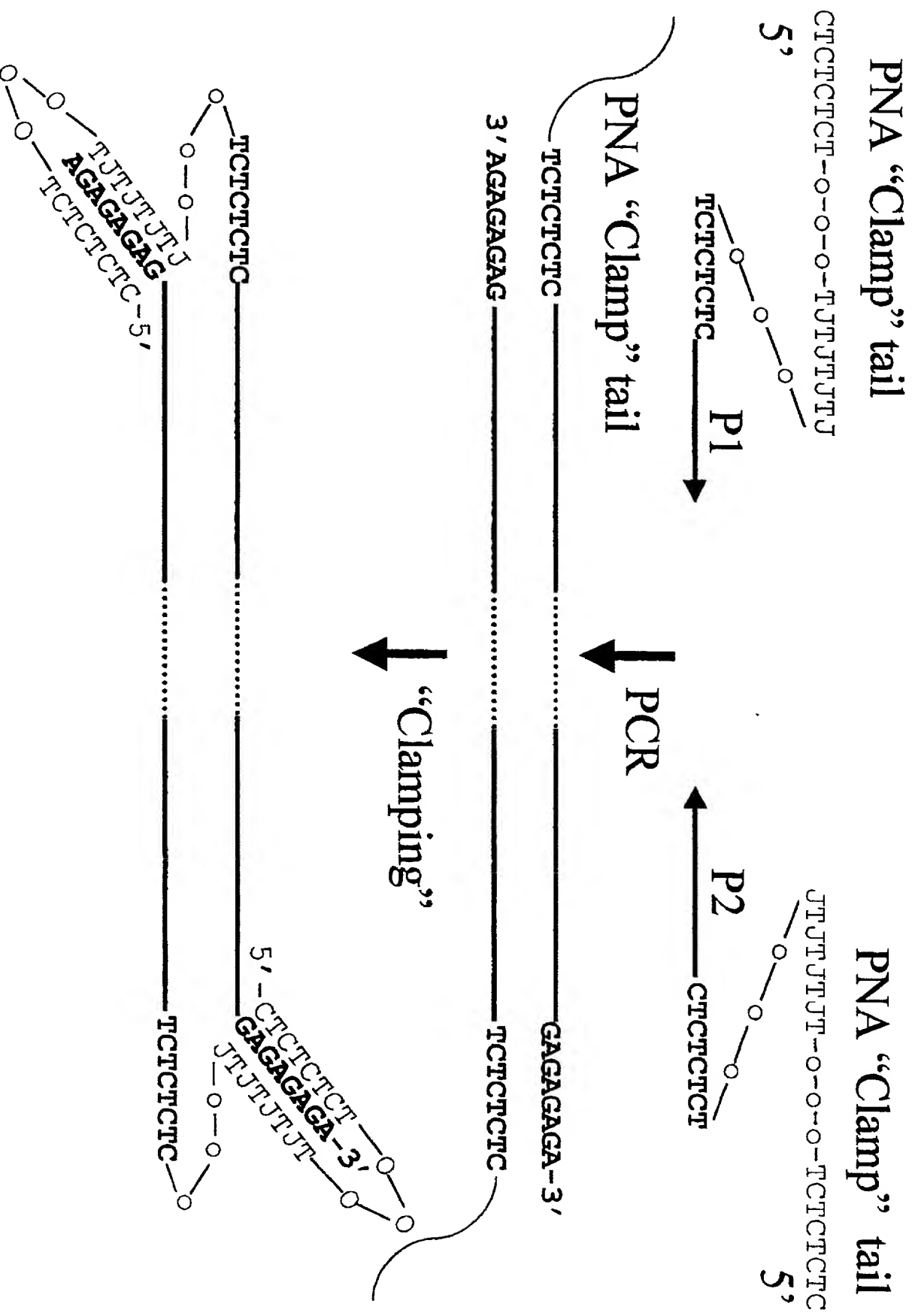
[illegible]

FIG. 2







IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Liang et al.)
)
Appl. No.	:	Unknown)
)
Filed	:	Herewith)
)
For	:	METHOD FOR GENERATING)
		TRANSCRIPTIONALLY ACTIVE DNA)
		FRAGMENTS)
)
Group Art Unit	:	Unknown)

SEQUENCE SUBMISSION

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

A copy of the Sequence Listing in computer readable form as required by 37 C.F.R. § 1.821(e) is submitted herewith.

As required by 37 C.F.R. § 1.821(f), the data on the enclosed disk is identical to the Sequence Listing in the application filed herewith.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 3/23/00

By: 

Neil S. Bartfeld, Ph.D.
Registration No. 39,901
Attorney of Record
620 Newport Center Drive
Sixteenth Floor
Newport Beach, CA 92660
(619) 235-8550

SEQUENCE LISTING

<110> Liang, Xiaowu
Felgner, Philip L.

<120> METHOD FOR GENERATING TRANSCRIPTIONALLY
ACTIVE DNA FRAGMENTS

<130> GTSYS.003A

<160> 8

<170> FastSEQ for Windows Version 3.0

<210> 1

<211> 16

<212> DNA

<213> Artificial Sequence

<220>

<223> Synthetic oligonucleotide primer

<221> modified_base

<222> (10)...(10)

<223> p

<221> modified_base

<222> (12)...(12)

<223> p

<221> modified_base

<222> (14)...(14)

<223> p

<221> modified_base

<222> (16)...(16)

<223> p

<400> 1

tctctctctn tntntn

16

<210> 2

<211> 12

<212> DNA

<213> Artificial Sequence

<220>

<223> Synthetic oligonucleotide primer

<400> 2

gatctctctc tc

12

<210> 3

<211> 8

<212> DNA

<213> Artificial Sequence

<220>
 <223> Synthetic oligonucleotide primer

 <400> 3
 gagagaga 8

 <210> 4
 <211> 55
 <212> DNA
 <213> Artificial Sequence

 <220>
 <223> Synthetic oligonucleotide primer

 <400> 4
 cacaaaaaac caacacacag atctctagag ctctgatctt ttattagcca gaagt 55

 <210> 5
 <211> 22
 <212> DNA
 <213> Artificial Sequence

 <220>
 <223> Synthetic oligonucleotide primer

 <400> 5
 tctctctacg tattagtcac cg 22

 <210> 6
 <211> 21
 <212> DNA
 <213> SyntArtificial Sequence

 <220>
 <223> Synthetic oligonucleotide primer

 <400> 6
 tcacaaaaaa ccaacacaca g 21

 <210> 7
 <211> 15
 <212> DNA
 <213> Artificial Sequence

 <220>
 <223> Synthetic oligonucleotide primer

 <400> 7
 ctccgcgat ccaga 15

 <210> 8
 <211> 15
 <212> DNA
 <213> Artificial Sequence

15